

**Testimony Regarding
H.B. 5304: An Act Preventing Homelessness for Youth Under the Care of the Commissioner
of Children and Families**

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Committee on Children

March 6, 2014

Senator Bartolomeo, Representative Urban, and Distinguished Members of the Children's Committee:

I am testifying on behalf of Connecticut Voices for Children, a research-based public education and advocacy organization that works statewide to promote the well-being of Connecticut's children, youth, and families.

Connecticut Voices for Children supports sections 1 and 2 of H.B. 5304, which will provide much needed protection and support for young people who are at high risk for homelessness. We also support the concept of section 3, but suggest that the language be strengthened to better reflect best practices for achieving permanency.

Background

Young people transitioning from foster care are at high risk for homelessness. In fact the most comprehensive study of youth who have aged out of foster care found that by age 24, 24% will have experienced homelessness, and 37% will have couch surfed.¹ Furthermore, foster care involvement is a known pathway to youth homelessness in Connecticut. A recent survey of 100 young people currently experiencing homelessness found that half reported involvement with the Department of Children and Families (DCF).²

We support Section 1 of H.B. 5304

Requiring that DCF discharge youth to a stable residence that is not a shelter or hotel, and that a youth can reasonably expect to remain in for at least 12 months, will help prevent youth who transition from foster care from rapidly becoming homeless. Discharges to placements that have the potential to be unstable are alarmingly common. Over the period from 2010 to 2012, 1,118 youth were discharged from DCF care.³ Of these, 21% were discharged to unstable placements such as living with friends (11%), an unknown location (9%), or a shelter (1%).⁴ This may reflect that youth often refuse to remain in care longer than necessary after turning 18,

¹ See, Mark Courtney, Amy Dworsky, Jennifer Hook, Adam Brown, Colleen Cary, Kara Love, Vanessa Vorhies, JoAnn Lee, Melissa Raap, Gretchen Ruth Cusick, Thomas Keller, Judy Havlicek, Alfred Perez, Sherri Terau, "Midwest Evaluation of the Adult Functioning of Former Foster Youth," *Chapin Hall at the University of Chicago*. 2011. Available at <http://www.chapinhall.org/research/report/midwest-evaluation-adult-functioning-former-foster-youth>.

² See, Derrick Gordon and Bronwyn Hunter, "Invisible No More: Creating Opportunities for Youth Who Are Homeless," *The Consultation Center, Yale University School of Medicine*. 2013. Available at <http://pschousing.org/files/InvisibleNoMoreReport.pdf>.

³ See, data provided via e-mail by Rachel River, "Data Request for 18yrs Old and over Discharged," *Department of Children and Families*. December 18, 2013. Available upon request.

⁴ *Ibid.*

regardless of whether the Department has found them a safe placement yet.⁵ However, given the extraordinarily high risk of housing instability facing these young people, Connecticut law should, whenever possible, prohibit discharge to a residence unlikely to be permanent, safe or stable.

Furthermore, providing aftercare services, and directing youth to permanent housing should they experience residential instability, is a best practice. Connecticut's Program Review and Investigations Committee (PRI) has already recommended that DCF explore adopting a similar policy, called "trial discharge," employed by New York's foster care agency. During trial discharge, youth live independently, but their case remains open after exiting care, and the child welfare agency may step in to offer support if a crisis is impending.⁶ No parent would let a child move out without checking in to make sure the child has not become homeless within a few months of leaving home; as statutory parent, it is appropriate the DCF do the same for youth transitioning from its care.

We support Section 2 of H.B. 5304

Providing an attorney to youth who are at risk of discharge will help to protect vulnerable young people from being pushed out of foster care to homelessness. After a young person turns 18, DCF requires that youth pursue a post-secondary education program to remain in care.⁷ For young people in foster care – who are often behind in school as a result of the trauma they have experienced over the course of their childhood – maintaining compliance with this requirement can be a daunting task; over the past 3 years, 294 youth have been discharged for failing to comply with this requirement.⁸

The Department has made great strides in improving post-secondary educational supports, and the number of youth discharged for non-compliance has declined sharply over the past three years.⁹ However, when youth are threatened with discharge, they receive little support if they attempt to contest the Department's decision. Youth are notified of their discharge with a confusing and technical form, the DCF-800. (This form is attached at the end of this testimony for reference.)

Furthermore, while youth may appeal their discharge, if they want an attorney they must pay out of pocket.¹⁰ This is an enormous expense for any young adult, much less one who has grown up in foster care. **Unsurprisingly, during the 309 discharge appeals between 2010 and 2013, only 11 young people had legal representation, and DCF's decision to discharge was reversed only 9 times.**¹¹ This is particularly troubling, because Connecticut wisely guarantees legal counsel to all children in the foster care system.¹² However, children lose their right to counsel after they turn 18 – precisely the age at which this representation is most necessary, as youth are at risk of being

⁵ See, "Department of Children and Families Services to Prepare Youth Aging Out of State Care," *Connecticut Legislative Program Review and Investigations Committee*. February 6th, 2014. Available at <http://www.cga.ct.gov/pri/docs/2013/DCF%20Age%20Out%20Staff%20F&R%20Report.pdf>.

⁶ *Ibid*.

⁷ See, DCF Policy Manual 42-20-30. Available at <http://www.ct.gov/dcf/cwp/view.asp?a=2639&q=327784>.

⁸ See, "Department of Children and Families Services to Prepare Youth Aging Out of State Care," *Connecticut Legislative Program Review and Investigations Committee*. February 6th, 2014. Available at <http://www.cga.ct.gov/pri/docs/2013/DCF%20Age%20Out%20Staff%20F&R%20Report.pdf>.

⁹ *Ibid*.

¹⁰ *Ibid*.

¹¹ Additionally, 51 cases were settled. See, "Department of Children and Families Services to Prepare Youth Aging Out of State Care," *Connecticut Legislative Program Review and Investigations Committee*. February 6th, 2014. Available at <http://www.cga.ct.gov/pri/docs/2013/DCF%20Age%20Out%20Staff%20F&R%20Report.pdf>

¹² See, CGS 46b-129a.

discharged from Agency care.¹³ This is in contrast to the best practice recommended by the American Bar Association (ABA) Center on Children and the Law.¹⁴ **Connecticut should provide legal representation to young adults threatened with discharge, to ensure that no youth is unnecessarily or prematurely pushed out of care.**

We urge the Committee to modify the language in Section 3 of H.B. 5304

Finally, Voices supports strengthening the requirements associated with a permanency goal of “Another Planned Permanent Living Relationship” (APPLA). However, we recommend mandating that *all* children with a permanency plan of APPLA have a caring adult willing to be a permanency resource identified in their permanency plan.

We recommend the proposed legislation be modified to read as follows:

“Such other planned permanent living arrangement shall include an adult who has significant connection to the child or youth, and who is willing to be a permanency resource for the child. Such other planned permanent living arrangement may include, but not be limited to, placement of a child or youth in an independent living program, or long term foster care with an identified foster parent.”

Relational permanency – forming permanent connections to loving and supportive adults – is perhaps the most important outcome to be achieved by children in foster care. For this reason, all children in foster care must have a permanency goal.¹⁵ In Connecticut, the four preferred goals are: reunification with birth parents, transfer of guardianship, long-term foster care with a relative foster parent willing to be a permanent resource, or adoption.¹⁶ Additionally a child may be assigned the non-preferred permanency goal of APPLA, provided the Commissioner can document a compelling reason why none of the four preferred options would be in the child’s best interest.¹⁷

APPLA is not a preferred permanency goal, because it does not provide a clear path for children to exit the foster care system with a truly permanent relationship with a caring adult. In fact, research shows that children with an APPLA goal are the most likely to age out and become homeless.¹⁸ For this reason, the ABA has recommended abolishing the goal entirely.¹⁹ Instead, the ABA recommends that *all* children exit foster care with a permanent connection to at least one identified supportive adult.²⁰

¹³ *Ibid.* See also, CGS 46b-120 for the definition of “child.”

¹⁴ See, “Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings.” Available at

http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/empowerment/model_act_final.authcheckdam.pdf.

¹⁵ See, CGS 46b-129(k).

¹⁶ See, CGS 46b-129(k).

¹⁷ *Ibid.*

¹⁸ “Positive Transitions for Youth in Foster Care: Preventing Homelessness,” *New Avenues for Youth and School of Social Work at Portland State University*. February 2012. Available at

http://www.pdx.edu/ccf/sites/www.pdx.edu.ccf/files/Positive%20Transitions%20for%20Youth%20in%20Foster%20Care%20-%20Preventing%20Homelessness%20February%202012_0.pdf.

¹⁹ See, Text of American Bar Association Policies Related to Children, 1979-2014. February 2014. Available at http://www.americanbar.org/content/dam/aba/administrative/child_law/ABAPolicies1979-2014.authcheckdam.pdf.

²⁰ *Ibid.*

Current Connecticut law suggests that the APPLA goal be long-term foster care with a licensed foster parent or an independent living program. Raised H.B. 5304 would add placement “with an adult who has significant connection to the child or youth and is willing to provide a permanent living arrangement to the child or youth” to the list of recommended APPLA goals.²¹ While we agree that placement with an adult willing to make a long term commitment to the child is a desirable outcome, we are concerned that, as written, the Raised Bill would allow a goal of placement in an independent living program to preclude the need to identify a permanent adult connection. This defeats the purpose of the permanency goal, which is to ensure that all children who come into foster care exit with a family.

The modified language proposed here will ensure that all youth have an appropriate relational permanency resource documented in their case plan, regardless of where they plan to reside after exiting foster care.

Thank you for your time, and I welcome your questions.

Contact

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²¹ See, Raised H.B. 5304: An Act Preventing Homelessness for Youth Under the Care of the Commissioner of Children and Families. Available at <http://www.cga.ct.gov/2014/TOB/H/2014HB-05304-R00-HB.htm>.

**NOTICE OF PROPOSED DENIAL, SUSPENSION, REDUCTION, OR
DISCONTINUANCE OF DEPARTMENT OF CHILDREN AND FAMILIES BENEFITS**

Date: ____/____/____

Child's Name _____

c/o _____

Address _____

Dear _____:

This is to notify you that pursuant to CONN. GEN. STAT. §_____, the Department of Children and Families is proposing to:

☐1 **SUSPEND**, effective date: ____/____/____

☐2 **REDUCE**, from _____ to _____, effective date: ____/____/____

☐3 **DISCONTINUE**, effective date: ____/____/____

Type of Benefit: _____

Policy, Statute, Reference (if applicable): _____

☐4 **DENY**, effective date: ____/____/____

Reason: _____

If you disagree with the Department's proposed action, you have the right to request a hearing. * If you are presently receiving benefits and you request a hearing within ten (10) days or by ____/____/____, your benefit will continue until the end of the payment period in which a hearing decision is made. However, if the decision upholds the Department and the benefit is continued beyond the date of eligibility, you may be asked to reimburse the Department.

* If you do not request a hearing within ten (10) days, your benefit will stop or be reduced but you still have until ____/____/____ or sixty (60) days to request a hearing.

Complete The Form On The Reverse If You Wish To Ask For a Hearing

**Mail To: Department of Children and Families, Administrative Hearings Unit
505 Hudson Street, Hartford, CT 06106**

**NOTICE OF PROPOSED DENIAL, SUSPENSION, REDUCTION, OR
DISCONTINUANCE OF DEPARTMENT BENEFITS**

To Be Filled Out By Worker	
Case Number:	Regional Office
Sub-Office	
Unit Supervisor	Telephone Number
Worker	Telephone Number
Date Mailed By Worker	Issue:

I hereby request a hearing because:

(attach an additional sheet of paper, if necessary)

I understand that I may speak for myself or be represented by legal counsel at my expense or by a relative, friend or other person. I also understand that I have the right to bring witnesses and any documentary evidence to support my position.

I further understand that the hearing may be rescheduled for good reason and that if I am unable to travel because of age or disabling condition, I may request that the hearing be held at my home.

Signed By Person Requesting Hearing

Date

Name of Person Requesting Hearing *please print*: Name of Child *please print*

Street Address

City Telephone Number

**Mail this form to: Department of Children and Families, Administrative Hearings Unit, 505
Hudson Street, Hartford, Connecticut 06106**

